

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BECKSON MARINE, INC., a Connecticut
corporation; CAROLE A. BECKERER,
ELOISE BRADY and JOAN A. JONES,
Custodians,

Plaintiffs,

v.

NFM, INC., a Washington corporation,

Defendant.

Case No. C98-5531FDB

ORDER DENYING DEFENDANT'S
MOTION FOR RECONSIDERATION
AND NEW TRIAL, OR STAY
PENDING REEXAMINATION

This matter is before the court on Defendant NFM, Inc.'s motion for reconsideration and new trial or stay pending reexamination of the '350 patent by the United States Patent and Trade Office (USPTO). The court, having considered the parties' submissions and balance of the record, finds that the motion should be denied.

I.

Motions for reconsideration are disfavored. CR 7(h)(1). The Court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence.

1 NFM has made no showing of manifest error nor has it provided the Court with any newly
2 discovered evidence or intervening changes in controlling law to support its request for
3 reconsideration. The court has previously considered Defendant's arguments that it is entitled to a
4 new trial on the merits of Davis and related alleged inequitable conduct issues.¹

5 Defendant NFM's "new evidence" is the USPTO's grant of reexamination of the '350 patent.
6 However, the court's previous denial of NFM's motion to stay all proceedings pending a decision
7 from the USPTO, took into consideration that the USPTO would grant NFM's request for
8 reexamination. *See*, Order Denying Defendant's Motion for Stay Pending Reexamination, at p. 1.

9 II.


10 NFM's motions are merely cumulative of what has already been considered by this court and
11 fail to articulate an adequate basis for reconsideration or new trial.

12 ACCORDINGLY,

13 IT IS ORDERED:

14 (1) NFM's motion for new trial and/or reconsideration or stay (Dkt.#272) is **DENIED**.

15
16 DATED this 8th day of November, 2005.

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18 
19 FRANKLIN D. BURGESS
20 UNITED STATES DISTRICT JUDGE
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23 ¹Contrary to NFM's repeated protests that neither court has decided anything of substance,
24 this court held and the Ninth Circuit confirmed, dismissal of NFM's claims of inequitable conduct
25 and validity of claim 1 of the '350 patent, in addition to exclusion of Davis based on NFM's failure
26 to timely enter it into evidence.